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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,808	11/21/2005	4698672		8826

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EXAMINER

Scott L. Weaver

ART UNIT PAPER NUMBER

3992 IFW

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,808.

PATENT NO. 4698672.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/007,808	Patent Under Reexamination 4698672	
	Examiner Scott L. Weaver	Art Unit 3992	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed 21 November 2005 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO-1449, c) Other: Decsion on Request

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
b) by credit to Deposit Account No. _____, or
c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

cc:Requester (if third party requester)

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Decision on Request for Ex Parte Reexamination

1. A substantial new question of patentability affecting claims 1-46 of United States Patent Number 4,698,672 to Chen et al. is raised by the request for reexamination for the reasons set forth below.
2. Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).
3. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 4,698,672 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

The References

4. The Request identifies the following documents as providing teachings relevant to claims 1-46 of the Chen et al. 4,698,672 Patent:

U.S. Patent No. 4,541,012 to Teschcer

The Tescher 4,541,012 patent listed above was not of record during the prosecution of the application which became the Chen et al. 4,698,672 patent nor during any previous reexamination proceeding of the Chen et al. 4,698,672 patent. The Tescher 4,541,012 patent has therefore not been previously considered or addressed during an examination of the application which became the Chen et al. 4,698,672 patent, nor in a

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final holding of invalidity by the Federal Courts, the Tescher 4,541,012 patent as such is new.

There is a substantial likelihood that a reasonable examiner would have considered the Tescher 4,541,012 patent important in making a decision as to the patentability of claims 1-46 during the prosecution of the application which became the Chen et al. 4,698,672 patent .

Issues Raised in the Request

5. The request indicates that the requester considers that claims 1-46 of the Chen et al. 4,698,672 patent may be unpatentable in consideration of the Tescher 4,541,012 patent alone. The request details those portions of Tescher as being relevant to claims 1-11 with suggestion that claims 12-46 are either identical to, or obvious implementations of claims 1-11, the detailed claim chart for independent claim 1 is shown on pages 3-4 of the request.

Claim 1 of the Chen et al. 4,698,672 patent reads as follows:

1. A method for processing digital signals, where the digital signals have first values, second values and other values, to reduce the amount of data utilized to represent the digital signals and to form statistically coded signals such that the more frequently occurring values of digital signals are represented by shorter code lengths and the less frequently occurring values of digital signals are represented by longer code lengths, comprising,

forming first runlength code values representing the number of consecutive first values of said digital signals followed by said second value,

forming second runlength code values representing the number of consecutive first values of said digital signals followed by one of said other values.

Claim 6 is substantially similar to claim 1.

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Requester takes the position that Tescher teaches all limitations of claim 1 with general recitation to processing of digital signals (Abstract, Description of the Preferred Embodiments, 5:27- 8:57).

Tescher processes digital signals in form of digital samples (5:32-6:6) in order to reduce amount of data utilized to represent digital signals (by use of dedicated Huffman code tables, 7:1-9).

Tescher uses a predictive mean value of the quantized coefficients to select one of six Huffman code tables (7:45-63). The four most significant magnitude bits of each quantized coefficient are examined in coder 22 (7:64-66).

If the most significant bits are zero then the quantized coefficient is Huffman coded using one of tables 1-6 (7:66-8:13).

When the four most significant bits are non-zero, a special escape symbol and the actual 12 bit quantized coefficient are transmitted (8:14-19).

When the predictive mean falls below a pre-selected fixed run length threshold value (a value of 1 in the preferred embodiment), a run length code corresponding to the number of successive quantized coefficients having value zero is generated by coder 22 using table 8 (8:21-36).

The Requestor notes that Tescher teaches forming (second) runlength code values representing the number of consecutive first values (zero) followed by one of other values, the relied on teaching for a second runlength value refers to a number of consecutive zeros which runs to the end of a block (8:26-28) and which is followed by a block address of a next block to be updated and a frame sync code.

The detailed analysis on pages 3-9 of the Request provides further reasoning as to how Tescher appears to raise a substantial new question of patentability with respect to claims 2-11. Claims 12-46 are noted by the Requestor as being identical to or obvious implementations of claims 1-11.

All claims 1-46 will be reexamined.

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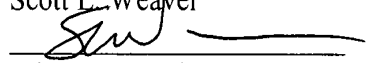
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Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Scott L. Weaver



Primary Examiner
Central Reexam Unit 3992
(571) 272-7548

Conferees:

gms CRU 3992

CONFERE

W. Rember SPRE CRU - 3992 30 Jan 06